

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, SEPTEMBER 17, 2015

1. HEARINGS TO BE HELD AT THE LIQUOR COMMISSION, 50 STORRS STREETS, CONCORD, NH:

September 17, 2015 @ 9:30 a.m.:

- a. Jade Palace, 28 Portsmouth Avenue, Stratham, NH.
Restaurant Full Service With Lounge License #1451603 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Dates of violations: October 13, 2014 & December 28, 2014.
Case #s: 14-400-OF & 15-7-OF.

October 15, 2015 @ 11:00 a.m.:

- b. Whiskey Barrel BBQ & Roadhouse, 200 Portland Street, Lancaster, NH.
Restaurant Full Service With Lounge License #1488803 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise – 3 counts
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises.
Dates of violations: March 29, 2015 & May 10, 2015.
Case #s: 15-114-OF & 15-184-OF.

October 15, 2015 @ 1:30 p.m.:

- c. Club 550, 2025 White Mountain Highway, North Conway, NH.
Sports Entertainment License #2503005 licensed pursuant to RSA 178:22, V(u)(1).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises.
Date of violations: May 25, 2014.
Case #: 14-170-OF.
THE LICENSEE REQUESTED AND WAS GRANTED A CONTINUANCE.
TO BE RESCHEDULED AT THE REQUEST OF THE CHIEF HEARINGS OFFICER.

November 19, 2015 @ 9:30 a.m.:

- d. Jewel Nightclub, 61 Canal Street, Manchester, NH.
Sports Entertainment License #6018305 licensed pursuant to RSA 178:22, V(u)(1).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violations: February 22, 2015.
Case #s: 15-61-OF & 15-63-OF.

December 17, 2015 @ 9:30 a.m.:

- e. Crazy Camel, 245 Maple Street, Unit #1, Manchester, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402006 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 178:20-a, II – failed to generate 60% of its quarterly gross revenue from the sale of cigar-related products which are limited to cigars, humidors, cigar cutters, cigar cutters and cases, lighters and ashtrays.
Date of violation: February 24, 2015. Case #: 15-65-OF.

Date to be determined:

- f. Alburritos Mexican Restaurant, 406 Union Street, Littleton, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1398503 licensed pursuant to RSA 178:21.
Cited for violation of Liq. 603.06 – failed to comply with requirements of a Commission order.
Date of violation: August 19, 2015.
Case #: 15-336-OF.
MOTION TO CONTINUE FILED BY LICENSEE; ALLOWED ON SEPTEMBER 3, 2015.
SETTLEMENT IS PENDING.

2. NOTIFICATION OF DISCIPLINARY ACTION:

- a. Dick's General Store, 717 US Route 4, Danbury, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3280647 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:23, V/Liq. 404.06 – failed to obtain a felon exception.
Date of violation: February 27, 2015.
Case #: 15-102-OF.
An administrative fine of \$9,900 with \$9,400 suspended for twelve (12) months pending no like violation, the license to sell alcohol shall be suspended for fifteen (15) days held in abeyance for twelve (12) months pending no like violation and Richard Gness shall not work on the premises for compensation or as a volunteer.
COMMISSION ACKNOWLEDGED.
- b. Golden Wok Chinese Restaurant, 2 Main Street, Jaffrey, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1435903 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: December 21, 2014.
Case #: 15-9-OF.
An administrative fine of \$500, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for three (3) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing September 20, 2015 with re-grant on September 22, 2015 & Su Zhen shall complete Total Education in Alcohol Management (TEAM) course online by September 30, 2015.
COMMISSION ACKNOWLEDGED.

3. NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

- a. Chi Cha, 5 Pleasant Street Extension, Concord, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #403006 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Date of violations: August 22, 2015.

Case #: 15-330-OF
\$500 administrative fine paid.
COMMISSION ACKNOWLEDGED.

- b. Mise En Place Bistro, 96 Lechner Street, Wolfeboro, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1221903 licensed pursuant to RSA 178:21.
Cited for violation of RSA 178:19/Liq. 704.01(b)(6) – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: May 5, 2015.
Case #: 15-203-OF.
\$100 administrative fine paid.

COMMISSION ACKNOWLEDGED.

- c. Molly's Tavern & Restaurant, 35 Mount Vernon Road, New Boston, NH.
Restaurant Full Service With Lounge License #1451603 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 178:19/Liq. 704.01(b)(6) – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: June 2, 2015.
Case #: 15-225-OF.
\$100 administrative fine paid.

COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

Codex B.A.R. LLC, 112 West Pearl Street, Nashua, NH 03060.
To be issued Restaurant On-Premise Cocktail Lounge License #1515803 pursuant to RSA 178:22.
30 Day Temporary License issued: 9/8/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

6. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING SEPTEMBER 11, 2015: 1,143

- a. Oddball Brewing LLC, 6 Glass Street, Suncook, NH 03275.
To be issued Beverage Manufacturer License #290518 pursuant to RSA 178:12.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Spruill, Robert DBA New England Sweetwater Farm and Distillery,
136 Main Street, Winchester, NH 03470.
To be issued Liquor Manufacturer License #287919 pursuant to RSA 178:6.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Wine Hooligans LLC, 5325 Corrick Road, Santa Rosa, CA 95409.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

7. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

8. NOTIFICATION OF APPROVED PETITIONS:

OH Buster Jr Inc. DBA Fiddlehead Farms, 77 Main Street, Alton, NH 03809.

Combination Off-Premise Beverage and Wine License #3258847 licensed pursuant to RSA178:18.

Date petition received: 9/8/2015.

Requested permission to transfer alcohol inventory to a new location, to wit, from Fiddlehead Farms of Alton, NH, License #3258847 to Fiddlehead Farms of Dover, NH, License #3163547 located at 920 Central Avenue, Dover, NH due to store closing at the Alton location on September 8, 2015 per their letter of even date and pursuant to RSA178:29, VIII.

COMMISSION ACKNOWLEDGED.

9. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

7-Eleven 32505K, 2039 White Mountain Highway, North Conway, NH.

Combination Off-Premises Beverage/Wine/Tobacco License #3300647 licensed pursuant to RSA 178:18/RSA 126-K:4.

Requested approval for a Felon Exception for Roscoe F. Collins as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).

Case #: 15-320-OF.

COMMISSION ACKNOWLEDGED.

10. NOTIFICATION OF DENIED FELON EXCEPTIONS:

None

11. NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:

None

12. NOTIFICATION OF COMPLIANCE CHECKS:

Tobacco – Belknap County, NH:

- a. Ellacoya Country Store, 2667 Lakeshore Road, Gilford, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3257847 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check.
Date of violation: September 2, 2015.
Case #: 15-343-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety days of the date of the violation.
COMMISSION ACKNOWLEDGED.
- b. Gilford Village Store, 7 Belknap Mountain Road, Gilford, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3331747 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check.
Date of violation: September 2, 2015.
Case #: 15-343-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety days of the date of the violation.
COMMISSION ACKNOWLEDGED.
- c. Mountainview Market, 677 Cherry Valley Road, Gilford, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3263647 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check.
Date of violation: September 2, 2015.
Case #: 15-343-OF.

Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety days of the date of the violation.

COMMISSION ACKNOWLEDGED.

Tobacco – Portsmouth, NH:

- a. Gary's Beverages, 165 Deer Street, Portsmouth, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3072947 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check.
Date of violation: September 5, 2015.
Case #: 15-315-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety days of the date of the violation.
COMMISSION ACKNOWLEDGED.
- b. Hanscom's Variety, 955 Route 1 Bypass South, Portsmouth, NH.
Combination Off-Premises Beverage/Wine/Tobacco #839447 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check.
Date of violation: September 5, 2015.
Case #: 15-315-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety days of the date of the violation.
COMMISSION ACKNOWLEDGED.
- c. Market Basket 21, Kmart Plaza, Portsmouth, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3003547 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check.
Date of violation: September 5, 2015.
Case #: 15-315-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety days of the date of the violation.
COMMISSION ACKNOWLEDGED.
- d. Portsmouth Provisions, 148 State Street, Portsmouth, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3184547 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check.
Date of violation: September 5, 2015.
Case #: 15-315-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety days of the date of the violation.
COMMISSION ACKNOWLEDGED.

13. COMMISSION DECISIONS PENDING AFTER HEARING:

None

14. NOTIFICATION OF HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

None

16. **MISCELLANEOUS ITEMS FOR INFORMATION ONLY:**

Myuge, 163 Camino Dorado, Napa, CA.

Direct Shipper Permit #8229833 licensed pursuant to RSA 178:27.

RSA 178:21, II(a)(1)/RSA 178:22, V(q).

Cited for violation of RSA 178:27, V – failed to file a Direct Shipper Report by the 15th of the following month – 4 counts.

Date of violations: January through April, 2015.

Case #: 15-205-OF.

HEARING SCHEDULED FOR 9/17/15 WAS CANCELED; LICENSE WENT OUT OF BUSINESS IN JULY, 2015.

COMMISSION ACKNOWLEDGED.